

QUINN EMANUEL URQUHART & SULLIVAN LLP

Deborah J. Newman (admitted *pro hac vice*)
Robert S. Loigman (admitted *pro hac vice*)
295 Fifth Avenue, 9th Floor
New York, NY 10016
Telephone: (212) 849-7000

SIDLEY AUSTIN LLP

Paige Holden Montgomery
2021 McKinney Avenue
Suite 2000
Dallas, Texas 75201
Telephone: (214) 981-3300

*Co-Counsel for Marc S. Kirschner, as Litigation
Trustee of the Highland Litigation Sub-Trust*

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS**

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,¹

Reorganized Debtor.

MARC S. KIRSCHNER, AS LITIGATION
TRUSTEE OF THE LITIGATION SUB-TRUST,

Plaintiff,

v.

JAMES D. DONDERO; MARK A. OKADA;
SCOTT ELLINGTON; ISAAC LEVENTON;
GRANT JAMES SCOTT III; STRAND
ADVISORS, INC.; NEXPOINT ADVISORS,
L.P.; HIGHLAND CAPITAL MANAGEMENT
FUND ADVISORS, L.P.; DUGABOY
INVESTMENT TRUST AND NANCY
DONDERO, AS TRUSTEE OF DUGABOY
INVESTMENT TRUST; GET GOOD TRUST
AND GRANT JAMES SCOTT III, AS
TRUSTEE OF GET GOOD TRUST; HUNTER
MOUNTAIN INVESTMENT TRUST; MARK &
PAMELA OKADA FAMILY TRUST –
EXEMPT TRUST #1 AND LAWRENCE
TONOMURA AS TRUSTEE OF MARK &
PAMELA OKADA FAMILY TRUST –
EXEMPT TRUST #1; MARK & PAMELA
OKADA FAMILY TRUST – EXEMPT TRUST
#2 AND LAWRENCE TONOMURA IN HIS
CAPACITY AS TRUSTEE OF MARK &

Chapter 11

Case No. 19-34054-sgj11

Adv. Pro. No. 21-03076-sgj

¹ The last four digits of the Reorganized Debtor's taxpayer identification number are (8357). The Reorganized Debtor is a Delaware limited partnership. The Reorganized Debtor's headquarters and service address are 100 Crescent Court, Suite 1850, Dallas, TX 75201.

PAMELA OKADA FAMILY TRUST –
EXEMPT TRUST #2; CLO HOLDCO, LTD.;
CHARITABLE DAF HOLDCO, LTD.;
CHARITABLE DAF FUND, LP.; HIGHLAND
DALLAS FOUNDATION; RAND PE FUND I,
LP, SERIES 1; MASSAND CAPITAL, LLC;
MASSAND CAPITAL, INC.; AND SAS ASSET
RECOVERY, LTD.,

Defendants.

NOTICE OF VOLUNTARY DISMISSAL

PLEASE TAKE NOTICE that Marc S. Kirschner, as Litigation Trustee of the Highland Litigation Sub-Trust established pursuant to the *Fifth Amended Plan of Reorganization of Highland Capital Management L.P. (As Modified)* [Bankruptcy Dkt. No. 1808] (the “Plan”) and Plaintiff in the above-captioned action, hereby gives notice that, pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, made applicable to this action by Rule 7041 of the Federal Rules of Bankruptcy Procedure, Counts I, II, III, and XXIV, as pled in the Amended Complaint [Adversary Dkt. No. 158], are hereby voluntarily dismissed with prejudice as against Hunter Mountain Investment Trust and Rand PE Fund I, LP, Series 1 (together, the “HMIT Parties”), pursuant to a settlement reached between the Highland Parties and the HMIT Parties (each as defined in that agreement) dated May 19, 2025 [Bankruptcy Dkt. No. 4217 (Exhibit 1)]. The HMIT Parties are therefore dismissed as Defendants from the above-captioned action. This dismissal shall apply only to the HMIT Parties and shall not apply to or affect any other defendant in this proceeding.

PLEASE TAKE FURTHER NOTICE that, as of the date hereof, neither of the HMIT Parties has filed or served an answer or a motion for summary judgment with respect to the Amended Complaint.

Dated: July 2, 2025

Respectfully submitted,

**QUINN EMANUEL URQUHART &
SULLIVAN, LLP**

/s/ Robert S. Loigman

Deborah J. Newman (admitted *pro hac vice*)

Robert S. Loigman (admitted *pro hac vice*)

295 Fifth Avenue

Floor 9

New York, NY 10016

Telephone: (212) 849-7000

-and-

SIDLEY AUSTIN LLP

Paige Holden Montgomery

2021 McKinney Avenue

Suite 2000

Dallas, Texas 75201

Telephone: (214) 981-3300

Facsimile: (214) 981-3400

Counsel for the Litigation Trustee

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was sent via electronic mail via the Court's ECF system to parties authorized to receive electronic notice in this case on July 2, 2025.

/s/ Robert S. Loigman

Robert S. Loigman